

SF 95 (Face)

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.				FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: NORTHEAST REGION REGIONAL OFFICE U.S. CUSTOMS HOUSE 7 <sup>TH</sup> FLOOR 2 <sup>ND</sup> ST & CHESTNUT ST. PHILADELPHIA, Pa. 19106			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, street, city, State and ZIP Code) DOUGLAS B. LEUSCHEN #07475068 F.C.I. MCKEAN P.O. Box 8000 BRADFORD Pa. 16701				
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH 5/31/49	5. MARITAL STATUS S	6. DATE AND DAY OF ACCIDENT JAN 23, <del>2004</del> 2005		7. TIME (A.M. OR P.M.) <del>3:05 PM</del> 3:05 PM	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.) OBSTRUCTION IN ACCESS TO COURTS WITHHOLDING OF LEGAL MAIL, (SEE ATTACHED PAGES) COURT ORDER ISSUED, JUNE 29, 2004, 7 MONTHS, UNTIL JAN 23, 2005.							
9. PROPERTY DAMAGE NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and ZIP Code) DOUGLAS B. LEUSCHEN, F.C.I. MCKEAN, P.O. Box 8000, BRADFORD, Pa. 16701							
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on the reverse side.) COURT CASE COMPROMISED AND WITHHOLDING OF COURT ORDER LED TO NEEDLESS WORK, FILINGS, EXPENSES IN POSTAGE & COPIES (SEE ATTACHED PAGES)							
10. PERSONAL INJURY/WRONGFUL DEATH STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. CASE # 215 WDA 2004 WAS PREJUDICED BY COURT ORDER DENYING BRIEF FILED, IN ERROR. LEADING TO COURT DECISION MADE WITHOUT INPUT OF ISSUES RAISED IN BRIEF FILED JUNE 17, 2004 AND SUBSEQUENT LITIGATION (SEE ATTACHED PAGES)							
11. WITNESSES							
NAME		ADDRESS (Number, street, city, State, and ZIP Code)					
CHARLES McCULLOUGH		#11742-040					
12. (See instructions on reverse) AMOUNT OF CLAIM (in dollars)							
12a. PROPERTY DAMAGE \$367.51		12b. PERSONAL INJURY \$4750.00		12c. WRONGFUL DEATH		12d. TOTAL (Failure to specify may cause forfeiture of your rights.)	
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM							
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) Douglas Burton Leuschen plaintiff, pro-se				13b. Phone Number of signatory		14. DATE OF CLAIM 9-6-05	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)				CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)			

## INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? ☐ Yes, if yes, give the name and address of insurance company (Number, street, city, State, and ZIP Code) and policy number. ☒ No

N/A

16. Have you filed claim on your insurance carrier in this instance, and if so, is it full coverage or deductible? 17. If deductible, state amount

NO

N/A

18. If claim has been filed with your carrier, what action has your insurer taken or proposes to take with reference to your claim? (It is necessary that you ascertain these facts)

N/A

19. Do you carry public liability and property damage insurance? ☐ Yes, if yes, give name and address of insurance carrier (Number, street, city, State, and ZIP Code) ☒ No

N/A

SF 95 (Rev. 7-85) BACK

## Tort Claim

On June 29, 2004, the Pennsylvania Superior Court issued a court order denying a brief I timely filed. This court order was not received until Jan. 23, 2005, 7 months later.

As a result of F.C.I. McKean withholding legal mail I have incurred losses which I seek compensation for. Had I received this court order in a timely manner I could have corrected the court's error in denying my brief and dismissal of my cause of action prejudiced by a decision in which I was unable to present my points of law.

On April 27, 2004 the Superior Court issued an order granting me an Extension of Time to file my brief by June 17, 2004, which I did. This court error in denying the brief filed on June 17, 2004, if it had been known could have been corrected.

The Superior Court order was posted June 29, 2004, and received by F.C.I. McKean / (I.S.O. B. Howard) on July 12, 2004. Mr. Watson Counselor of unit 8B delivered it to me on Jan 23, 2005, and witnessed by several inmates.

Unknown to me until Jan 23, 2005, I was filing and litigating this action incurring expenses in postage, legal supplies, copies and considerable time. I filed an Amended brief, amended pages, and then another amended brief in Superior Court. If the court had upheld their denying my brief I would not have incurred the expenses of amending and filing. If the court had reversed their order denying my brief my filings and points of law would have received consideration in Superior Court and also when appealed in Pennsylvania Supreme Court. The case is now in Federal District court asserting violations of due process in obstruction of court access.

I have with due diligence attempted to resolve this with F.C.I. McKean Warden James Sherman in February 2005, who referred me to Lt Chaido. Lt Chaido did not provide resolve, alleging he did not have time because of: lockdown, vacation, too busy, and lack of opportunity until May of 2005. When Lt Chaido implied he would make a decision but I probably wouldn't like his decision, I asked Mr Morello about what I should do. I was

advised to initiate a Tort Claim. I prepared and drafted my claim, collected receipts, and made copies of documents for filing.

On June 11, 2005, my legal files were stolen from in front of the chow hall and my receipts and documents lost. I have filed notice with the Captain at F.C.I. McKean on the theft & requested video camera review for specific time frame, but review was inconclusive. This theft was also recorded in Federal District court on case #05-157 Erie, and with U.S. (Congress) legislative assistant Jim Thompson.

Enclosed is a reconstruction of the losses based on facts, number of copies filed, cost of copies at F.C.I. McKean @ \$.15/page, and postage through but not including my Habeas Corpus Section 2254 filed to resolve this cause of action. I believe had the merits and points of law been considered in Superior Court this case would have been overturned or appealed with the opportunity to have meaningful review in the State Supreme Court.

Douglas B. Quaden #07475068  
F.C.I. McKean  
P.O. Box 8000  
Bradford, Pa 16701

## Superior Court

## Itemized Costs

Case # 215 WDA 2004 Super  
# 05-157 E Fed Dist.

All documents filed in Superior Court required 8 copies + one original, plus one copy to be time stamped and returned to me; one copy each to Pa. Atty General, Erie County D.A., and Judge. One copy was made and retained, to prevent default should my time stamped copy or courts mailing be lost. All totalled 14 copies were made of each filed document.

1. Brief filed June 17, 2004
 

(43 pages) x (\$.15/page) x (14 copies)	\$ 90.13
Postage 9 copies + envelope (4 lbs 10 oz)	\$ 5.85
Postage 1 copy + envelope \$1.98 x 3 mailings	\$ 5.94
  
  2. Amended Brief Pages (11 pages) filed July 14, 2004
 

(11 pages) x (\$.15/page) x (14 copies)	\$ 23.10
Postage 9 copies + envelope 12.6 oz	\$ 3.13
Postage 1 copy + envelope 1.4 oz @ \$.60 x 3 =	1.80
  
  3. Amended Brief filed July 22, 2004
 

(44 pages) x (\$.15/page) x (14 copies)	\$ 92.40
Postage (9 copies + envelope) (4 lbs 10 oz)	\$ 5.85
Postage 1 copy + envelope \$1.98 x 3 mailings	5.94
- \$ 234.14
- Superior Court filing cost Total
- Exhibit # 18(F) -6- -243-



## Pa. Supreme Court

## Computation of Costs Filing in Pa. Supreme Court case # 505 WAL 2004

1. Petition For Allowance of Appeal (13 pages) total document  
11 pages plus affidavit and Certificate of Service  
Service upon

A. Prothonotary 15 copies plus one for time stamp return = 16 copies  
 $16 \text{ copies} \times 13 \text{ pages} \times \$.15/\text{copy} = \$31.20$

B. Erie District atty  $(1 \times 13 \times \$.15) = \$1.95$

C. Pa. Atty General  $(1 \times 13 \times \$.15) = \$1.95$

Postage A = 5 stamps, B & C 2 stamps each postage Total  $9 \times \$.37 = \$3.35$

Total cost \$38.45

2. Supplement 6 pages total (4 pages + affidavit + Certificate of Service)  
Service Upon

A. Prothonotary 15 copies plus one time stamped return  
 $(16 \text{ copies total} \times 6 \text{ pages} \times \$.15/\text{page}) = \$14.40$

B. Erie D.A. one copy  $(1 \times 6 \times \$.15) = \$.90$

C. Pa. Atty General one copy  $(1 \times 6 \times \$.15) = \$.90$

Postage A = 5 stamps, B & C 1 stamp each (7 stamps) = \$2.59

Total cost \$18.79

## 3. Reply to District Attorney's Response

7 pages total (5 pages + affidavit + certificate of service)  
Service Upon

A. Prothonotary  $16 \text{ copies} \times 7 \times \$.15/\text{page} = \$16.80$

B. Erie D.A.  $(1 \times 7 \times \$.15) = 1.05$

C. Pa. Atty General 1.05

Postage A = 2 stamps, B & C = 1 stamp each (4 stamps total) 1.48

Subtotal \$18.60

-7-

Total cost \$20.38 - 244-

# Supreme Court

## Total Costs of Filing in Pa. Supreme Court case # 505 WAL 2004

1. Petition For Allowance of appeal  
Total cost \$ 38.45

2. Supplement  
Total Cost \$ 18.79

3. Reply  
Total Cost \$ 20.38  
\$ 77.62



## Federal District Court

## Computation of Costs Filing in Federal District Court case # 05-157 E

1. Petition For Writ of Habeas Corpus Section 2254 case # 05-157 E  
 22 pages, plus affidavit, plus Certificate of Service 24 pages total  
 Service Upon:

A. Clerk of Court 3 copies (2 + 1 time stamped return)	
(3 copies) $\times$ 24 pages $\times$ \$.15/page =	\$ 10.80
B. Erie D.A. one copy (1 $\times$ 24 $\times$ \$.15) =	\$ 3.60
C. Pa. Atty General one copy (1 $\times$ 24 $\times$ \$.15) =	\$ 3.60
D. Pa. Governor one copy (1 $\times$ 24 $\times$ \$.15) =	\$ 3.60
E. Warden F.C.I. McKean one copy (1 $\times$ 24 $\times$ \$.15) =	\$ 3.60
Postage A = 7 stamps, B, C, D, & E 3 stamps each (19 stamps)	\$ 7.03
<b>Total</b>	<b>\$ 32.23</b>

2. Motion To Proceed In Forma Pauperis 4 pages total  
 2 pages plus affidavit, plus Certificate of Service  
 Service Upon:

A. Clerk of Court (3 copies $\times$ 4 page $\times$ \$.15/page) =	\$ 1.80
B. Erie D.A. (one copy $\times$ 4 $\times$ \$.15) =	\$ .60
C. Pa. Atty General (one copy $\times$ 4 $\times$ \$.15) =	\$ .60
D. Pa. Governor (one copy $\times$ 4 $\times$ \$.15) =	\$ .60
E. Warden F.C.I. McKean (one copy $\times$ 4 $\times$ \$.15) =	\$ .60
Postage A = 2 stamps, B, C, D, E one stamp each (6 stamps)	\$ 2.22
<b>Total</b>	<b>\$ 6.42</b>

# Federal District Court

## Computation of Costs *Filing in Federal District Court case # 05-157 E*

### 3. Motion For Production of Records 7 pages total (5 pages) plus affidavit, plus (Certificate of Service)

Service Upon:

A. Clerk of Court	3 copies $\times$ 7 pages $\times$ \$.15/page	\$ 3.15
B. Erie D.A.	one copy $(1 \times 7 \times .15) =$	\$ 1.05
C. Pa. Atty General	one copy $(1 \times 7 \times .15) =$	\$ 1.05
D. Pa. Governor	one copy $(1 \times 7 \times .15) =$	\$ 1.05
E. Warden F.C.I. McKean	one copy $(1 \times 7 \times .15) =$	\$ 1.05

Postage A = 3 stamps, B, C, D, E. 2 stamps each = 11 stamps  $\frac{4.07}{\$ 11.42}$

### 4. Motion For Reconsideration To Proceed *Un Forma Pauperis* 7 pages total (5 pages) plus affidavit, plus (Certificate of Service) Service Upon:

A. Clerk of Court	$(3 \text{ copies} \times 7 \times .15/\text{page}) =$	\$ 3.15
B. Erie D.A.		
C. Pa. Atty General		
D. Warden F.C.I. McKean	$(\text{one copy} \times 7 \times .15) =$	1.05

Postage A = 3 stamps, D one stamp (4 stamps)  $\frac{1.48}{\$ 5.68}$

Totals Petition for Writ  $\frac{32.23}{\$}$   
Motion to Proceed I.F.P.  $\frac{6.42}{\$}$   
Production of Records  $\frac{11.42}{\$}$   
Reconsideration I.F.P. 5.68

Exhibit #18 (J)

Fed Dist Court (Costs) Total

\$ 55.75

~~Federal District Court~~

Total Incurred Costs in Court case, defaulted, to date on Superior Court case # 215 WDA 2004 because of undelivered court order issued June 29, 2004 posted in F.C.I. Mailroom log on July 12, 2004, and delivered 7 months later Jan 23, 2005.

1. Superior Court (# 215 WDA 2004) \$ 234.14

2. Pa Supreme Court (# 505 WAL 2004) \$ 77.62

3. Federal District Court (# 05-157 E) \$ 55.75

Total \$ 367.51

Douglas B. Schachen # 07475068  
F.C.I. McKean  
P.O. Box 8000  
Bradford, Pa 16701  
9-6-05

Exhibit # 18 (K)

## Affidavit

I, Douglas B. Luscheen plaintiff, pro-se, do hereby certify that the foregoing Tort Claim, Itemized Costs and Waiver & Stipulation of Facts is true and accurate to the best of my knowledge information and belief and do so in accordance with 18 U.S.C., Section 1746.

Douglas B. Luscheen #07475068  
9-6-05



**The Superior Court of Pennsylvania**  
**Office of the Prothonotary**

600 GRANT BUILDING  
310 GRANT STREET  
PITTSBURGH, PENNSYLVANIA 15219

DAVID A. SZEWCZAK, ESQUIRE  
PROTHONOTARY

ELEANOR R. VALECKO  
DEPUTY PROTHONOTARY

(412) 565-7592

FAX: (412) 565-7711

WEBSITE: [www.superior.pacourts.us](http://www.superior.pacourts.us)

April 27 2004,

Mr. Douglas B. Leuschen  
07475068/FCI Mckean  
PO Box 8000  
Bradford, PA 16701

**IN RE: COMMONWEALTH OF PA V. DOUGLAS B. LEUSCHEN**  
**No. 215 WDA 2004**

Dear Mr. Leuschen:

The Court has entered the following Order on your Petition for Extension of Time in the above-captioned matter:

**"ORDER OF COURT"**

Upon Consideration of the Petition for Extension of Time to file Brief for Appellant, the Petition is hereby GRANTED. The Brief for Appellant is due on or before June 17, 2004.

DATE: April 27, 2004

PER CURIAM"

Very truly yours,

Handwritten signature of Eleanor R. Valecko in cursive script.

DEPUTY PROTHONOTARY

ERV/gjm  
cc: Bradley H. Foulk, Esquire

*Exhibit #18 (M)*



The Superior Court of Pennsylvania  
Office of the Prothonotary

GRANT BUILDING  
310 GRANT STREET, SUITE 600  
PITTSBURGH, PA 15219-2297

DAVID A. SZEWCZAK, ESQUIRE  
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FAX: (412) 565-7711

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June 29, 2004

Mr. Douglas Burton Leuschen  
07475068/F.C.I. McKean  
P.O. Box 8000  
Bradford, PA 16701

In Re: COMMONWEALTH OF PENNSYLVANIA -v- DOUGLAS BURTON  
LEUSCHEN, Appellant  
**No. 215 W.D.A. 2004**

Dear Mr. Leuschen:

The Court has entered the following Order on the Motion to File and Accept Nonconforming Brief, filed by appellant in reference to the above-captioned matter:

**"ORDER OF COURT**

In that the appellee Commonwealth of Pennsylvania filed an appellee's brief on June 1, 2004, appellant Leuschen's June 22, 2004 "motion to file and accept nonconforming brief pursuant to Pa.R.A.P. 124 (b)"-in which appellant desires to substitute a new appellant's brief for the appellant's brief filed on April 30, 2004 - is **DENIED**.

June 29, 2004

**PER CURIAM"**

Very truly yours,

Eleanor R. Valecko  
**DEPUTY PROTHONOTARY**

ERV/tdt

Cc: Bradley H. Foulk, Esquire  
Honorable Shad F. Connelly

Exhibit #18 (N)





SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

JOHN A. VASKOV, ESQUIRE  
DEPUTY PROTHONOTARY

PATRICIA A. NICOLA  
CHIEF CLERK

801 CITY-COUNTY BUILDING  
PITTSBURGH, PA 15219-2463  
(412) 565-2816  
[www.aopc.org](http://www.aopc.org)

July 21, 2005

Mr. Douglas B. Leuschen  
FCI McKean  
PO Box 8000  
Bradford, PA 16701

Re: Commonwealth of Pennsylvania, Respondent v. Douglas Burton Leuschen,  
Petitioner  
505 WAL 2004

Dear Mr. Leuschen:

We are in receipt of your correspondence requesting a copy of the filing for the above-reference case.

Please be advised, we require a fee of \$1.00 per page. Your Petition for Allowance of Appeal is 13 pages and the No Brief in Opposition Letter is 1 page. Therefore, once we are in receipt of a check for \$14.00, we will forward the copies to you.

Very truly yours,

Office of the Prothonotary

*Exhibit #18 (0)*

*-15-*

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BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Mr Watson CB (Counselor)</i>	DATE: <i>1-27-05</i>
FROM: <i>DOUGLAS LEUSCHEN</i>	REGISTER NO.: <i>07475068</i>
WORK ASSIGNMENT: <i>EDUC.</i>	UNIT: <i>CB</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*On Sunday @ 3:05 PM 1-24-05 you gave me a mail package from Superior Court. The Package was posted June 28, 2004 which contained a R. Superior Court Order and returned copies of a Brief I filed. I am requesting your signature and date of delivery or some other proof that I did not receive this package until 1-24-05 seven months after posting, so I may make appeal to the court. This legal mail has deprived me of the opportunity to address a wrongful denial of my submitted Brief due to its untimely delivery.*

*Thank You for your assistance.* (Do not write below this line) *Douglas Leuschen*

DISPOSITION:

Signature Staff Member	Date
------------------------	------

Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94



Printed on Recycled Paper

*Exhibit #18 (P)*

Affidavitref case # Super 215 WDA 2004  
Supreme Ct # 505 WAL 2004

To Whom it may concern;

On Sunday Jan. 23, 2005 at @ 3:05 PM  
I saw inmate Leuschen receive a postal  
package from Mr Watson, CB Counselor, the postal  
package was from Pennsylvania Superior Court containing  
a court order dated June 29, 2004, and copies of  
his Brief.

I do hereby certify under penalty of law that  
the foregoing is true and accurate to the best of my  
knowledge, information and belief, and do so in  
accordance with Title 18, P.S., Section 4904  
and 28 U.S.C., Section 1746

Charles McCullough #11742-040

1-27-05

Exhibit #18 (Q)

## Affidavit

I, Douglas B. Leuschen, Appellant, pro-se, in case # 505 WAL 2004 in Pennsylvania Supreme Court do hereby state under penalty of law the the Superior Court Order and Appellant's Briefs returned to Appellant, posted June 29, 2004, were delivered 7 months late on January 23, at @ 3:05 PM, by C.B. Unit (Counselor Mr. Watson at the Federal Correctional Facility McKean, Bradford Pennsylvania. I inquired at F.C.I. McKean mailroom and with the U.S. Post Office in an attempt to locate the lost mail once it became known without success.

I do so state this in accordance with 18 Pa. C.S. Section 4904 and 28 U.S.C., Section 1746

Douglas B. Leuschen  
2-1-05

Exhibit #18 (R)